



All That's News From the Executive Ethics Board

Spring,
2006

EXECUTIVE ETHICS BOARD

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Investigator*

Upcoming Board Meeting

**April 14, 2006
May 12, 2006**

For times and location of the
meetings, go to
www.ethics.wa.gov

More Training Now Available

Thanks to the efforts of the Department of Personnel, a new course, Ethics in State Government, is now being offered to all state employees. Beginning on April 26, 2006, DOP will offer this course. Two additional classes have been scheduled in Olympia for May 22 and June 22, 2006 (Course Code 01-14-EPF2).

For a cost of \$60 per person, state employees will be provided with the basic awareness and understanding of acceptable ethical behavior. Once completed, participants will have knowledge about the:

- Application of the Ethics in Public Service Act
- Appropriate and inappropriate use of state resources
- Definition of "de minimis" as applied to state resource use
- Executive Ethics Board Advisory Opinions

Trainers contracting through DOP are also available to provide training in the agency. Please contact DOP for specific information.

DOP is continuing to offer training to managers, supervisors, ethics advisors and HR staff. This course is called "HELP: Ethical Leadership and Decision Making" (01-09-M504). It's a four hour workshop and the agency chargeback fee is \$99/person. Contact DOP for more information.

EEB staff is available to provide training and guidance to executive management teams. Please contact staff to schedule training with your team.

Statewide Ethics Conference

On June 15, 2006, several agencies, the Executive Ethics Board, the Public Disclosure Commission, the Attorney General's Office, the Commission on Judicial Conduct, the Legislative Ethics Board, King County Ethics Board and the Seattle Ethics and Elections Commission, are sponsoring a one-day ethics conference. The conference will be

How to Reach Us

Via mail:

PO Box 40149
Olympia WA 98504-0149

Phone:

(360) 664-0871

Fax:

(360) 586-3955

E-mail:

ethics@atg.wa.gov

Internet:

www.ethics.wa.gov

Confidentiality in Filing Complaints

Pursuant to RCW 42.17.310(1)(d), information received by the Executive Ethics Board staff during the course of an investigation shall remain confidential. However, once an investigation is complete, the file must be considered an open public record. RCW 42.17.310(1)(e) allows the Board to keep confidential the names of complainants only if those persons have indicated that they believe the disclosure of their identities would endanger their lives, safety or property. Unlike other state agencies and statutes, the Ethics in Public Service Act does not protect against retaliation in the workplace--fear of retaliation is not sufficient grounds to seek confidentiality with the Executive Ethics Board.

held at the Olympia Red Lion Hotel. Cost per person is \$125. The conference promises to be lively. Attorney General Rob McKenna will be the welcoming speaker. Graham Johnson, former Executive Director of the Public Disclosure Commission, will share his memories of the creation of the ethics agencies in Washington.

Breakout sessions will include topics such as conflicts of interest, whistleblower complaints, and ethics and cultural competence. Other exciting sessions are also being planned.

The registration forms will be sent in mid-April. The hotel is offering rooms at the per diem rate of \$68 for a single and \$78 for a double room.

CLE credits are being applied for. Further information is forthcoming.

Legislature Passes Communications Bill

During this past legislative session, a bill was introduced in the legislature that would allow state employees to distribute communications to other state employees, if the communication was from an employee organization or charitable organization. The bill passed both the House and Senate, and was signed by the Governor on March 24, 2006. The new law goes into effect on June 7, 2006. The Board is reviewing this new law, and if necessary, will enter into rulemaking to formalize Board procedures. Stakeholders will be contacted and comments will be solicited prior to the Board taking any action.

Board Adds to Frequently Asked Questions

At its January 13, 2006 meeting, the EEB answered a FAQ as follows:

Question: Can an employee use, for personal reasons, software purchased by the agency if the software is required to be installed on the employee's home computer so that he/she may work at home?

Answer: Yes. While it is preferable that the employee pay for the software license, he or she may use the agency-purchased software for personal reasons so long as the use is de minimis (that is, short in duration, infrequent and of little or no cost to the state.) An employee may not use the software for outside business reasons or to assist either a campaign for public office or a ballot issue.



Recent Case Decisions

Case 03-054 A former DSHS employee violated the RCW42.52.160, when he used the state computer to pursue personal interests and non-work related

DID YOU KNOW that any employee or agency can ask the Executive Ethics Board for an advisory opinion?

DID YOU KNOW that the EEB staff is always available to answer questions?

DID YOU KNOW reimbursing the state for costs incurred for personal use of resources does not cure the problem and you could still be found in violation and assessed a civil penalty?

DID YOU KNOW that the largest penalty imposed by the EEB was \$40,000 for engaging in activities that were in conflict with official duties?

DID YOU KNOW the largest penalty imposed by the EEB for misuse of state resources was \$20,000?

DID YOU KNOW the EEB now has brochures available for distribution: EEB (general description); New employee; Gifts; and Complaints.

activities. He agreed to pay a penalty of \$1,000.

Case 04-044 An employee of Green River Community College admitted that he violated RCW 42.52.160 by using the school's auto body repair shop to repair nine personal vehicles. The employee failed to pay for the repairs until after an audit was conducted by the State Auditor's Office. He also agreed to pay a penalty of \$1,000.

Case 03-038 An employee of The Evergreen State College-Tacoma agreed that she violated RCW 42.52.160 when she failed to submit proper leave documentation for 200 hours of leave taken. She agreed to a penalty of \$1,000.

Case 03-056 An employee of the Department of Licensing acknowledged that he violated RCW 42.52.160 when he placed his personal business email address and website address on his official DOL communications. He agreed to a penalty of \$525.

TO OBTAIN A COPY OF A SETTLEMENT AGREEMENT, PLEASE CONTACT OUR OFFICE AT 360-664-0871 OR VIA E-MAIL: ETHICS@ATG.WA.GOV

USE OF STATE RESOURCES

Just because your agency doesn't have a policy prohibiting it, it is against the Ethics in Public Service Act to use state resources for personal gain. That means you cannot use your computer to check your personal emails, or conduct your online banking, or chat on-line with friends. As stated before, the EEB receives more complaints on this topic than any other under its jurisdiction.



If there's a question in your mind whether the activity you're about to engage in is legal, it's probably not.

We encourage agencies to adopt policies outlining the permitted and prohibited uses of resources. If the agency seeks and receives approval from the EEB on its policy, any employee engaging in such activity as deemed permissible by the policy is given "safe harbor" and will not be prosecuted.

DID YOU KNOW that prior to contracting with another state agency, you may need to get EEB permission?

WAC 292-110-060

(4) Application for approval - State officers and employees seeking the approval of the board for a contract, grant application, or outside employment with a state agency shall provide the following information to the executive director no later than thirty days prior to the commencement of the contract:

(a) A description of current official duties and responsibilities;

(b) A statement of the work to be performed and a copy of the contract;

(c) The duration and dollar value of the contract, if applicable;

(d) A statement that no state resources will be used to perform the outside employment or to fulfill the contract or grant;

(e) A description of how the work will be performed without the use of state resources; and

(f) A statement that the employing agency has reviewed or approved the outside contract under applicable rules or policies, except when requesting a conditional approval as provided in subsection

Quiz Time!

Test your ethics knowledge! Spend a few minutes and find out how much you know. Note: more than one answer may apply!

1. You are a receptionist for your agency's central contract office. A vendor comes into the office and gives you a gym bag valued at \$40.00. The vendor's logo is printed on the side. What do you do?

- A. Accept the gym bag. You're not in a position that can have any influence in contract decisions.
- B. Don't accept the gym bag.
- C. Ask your supervisor or the ethics office for guidance.
- D. Accept the gym bag, but don't bring it to work.

2. As manager of a government recycling program, you handle consultant contracts. A consultant has offered you a position with her company. What should you do before you accept the offer?

- A. Show your appreciation by awarding a major agency contract to the consultant.
- B. Demonstrate your future worth by sharing confidential information from competitors.
- C. Consult with your supervisor.
- D. Find out all you can about the legal restrictions for those who leave state service.

3. Prior to taking your new position, you were a complaints investigator for another state agency. One day a complainant from a previous case contacts you and asks for help in appealing an unfavorable decision by your former agency. Should you assist in the appeal?

- A. Yes. The agency made a mistake.
- B. Yes, provided I take vacation time.
- C. No, but I can offer to call and find out what happened.
- D. No. I am no longer responsible for the complaint.

4. One of your employees sells Avon products on the side to coworkers. The employee hands out catalogues in the workplace, and takes and distributes orders during the lunch hour and at break times. What should you do?

- A. Stop the activity.
- B. Do nothing. The employee is not disrupting the workplace.
- C. Place an order.
- D. Create a policy that employees must get management approval before selling products.

(5)(b) of this section.

DID YOU KNOW that there are certain items that, by definition, are not considered gifts (except for Section 4 employees?)

RCW 42.52.010(10)

(a) Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the agency of which the recipient is an officer or employee;

(b) Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;

(c) Items exchanged among officials and employees or a social event hosted or sponsored by a state officer or state employee for coworkers;

(d) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

5. One of your employees brings a petition to work opposing a controversial ballot proposition. After spending the morning gathering signatures she reaches your desk. She asks you to sign the petition, arguing that state workers will lose their jobs if the measure passes. What do you do?

- A. Sign the petition to keep your job.
- B. Sign and offer to assist in the workplace campaign.
- C. Avoid the issue by leaving to attend an important meeting.
- D. Ask her to stop circulating the petition in the workplace.

6. An experienced engineer, you have been assigned to supervise a two-year renovation project. After 18 months, you decide to leave and accept a consulting position for a private firm to work on the same project. Would this violate the state's ethics laws?

- A. No, because I clearly have the expertise.
- B. No, the project is almost over and I need to think about my future.
- C. Yes, accepting any employment on this project is a conflict of interest.
- D. No, the firm promised to hire me if I recommended its selection for the project.

Answers:

- 1. A. The state's ethics law allows you to accept promotional items, so you could accept the gym bag.
- 2. C. Your supervisor may need to assign official duties involving the consultant to another decision-maker to avoid a conflict of interest. AND
D. If you think you will be leaving public employment, get information on the post-employment restrictions that may apply to you. It is better to know before you go.
- 3. D. Under the ethics law, you may only provide assistance within the course of official duties, or use state resources for the benefit of others.
- 4. A. The employee may have an outside business selling Avon products, but public resources, including state facilities, may not be used to conduct this business.
- 5. D. You are obligated to take action to stop any use of state resources for political campaigns.
- 6. C. The state's ethics law does not allow you to leave state employment and assist another person on any project you participated in while employed by the state.

(e) Items a state officer or state employee is authorized by law to accept;

(f) Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

(g) Items returned by the recipient to the donor within thirty days of receipt or donated to a charitable organization within thirty days of receipt;

(h) Campaign contributions reported under chapter 42.17 RCW;

(i) Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group; and

(j) Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

Visit our website for more useful information.

www.ethics.wa.gov

Take the Ethics Challenge!



Washington State Executive Ethics Board

PO Box 40149

Olympia, WA 98504-0149

360-664-0871